

SATURDAY, MAY 28th, 1864.

A DAILY PAPER.—Mr. Bancroft, formerly of the Dallas Journal, called upon us on Wednesday last. We understand that it is his intention to remove the material of the Journal office to this city for the purpose of starting a daily paper.

RE-ARRESTED.—Col. Richardson, who shot Brown in Placerville on last Christmas day, and who forfeited his bonds in not appearing to answer at the April term of the District Court, was re-arrested one day this week by Sheriff Pinkham, on the Payette, and is lodged in jail in this city to await his trial.

PATRICK LOVELOCK, accused of cutting Wm. Duff in the head with a steak-knife, on Saturday evening of last week, and was himself stabbed through the arm, in the house of one Ellen Smith in the upper end of town, was examined before Justice Walker, on Tuesday, and held to answer in the penal sum of \$2000. Duff, who is too badly hurt to be removed, was not examined, but the Dist. Attorney promised that as soon as his condition would permit, his case would be attended to.

HIGH WATER.—We understand from parties from below, that the Payette, Weiser, and other streams between here and the Blue Mountains, are excessively high—the sloughs in many places compelling travelers to go miles out of their way to get round. At the Payette ferry, the stages cannot cross passengers and baggage are brought over in small boats. It was on this account that the express letter-bag was forgotten, and left the early part of the week—delaying the Eastern news one day.

ONE of the expresses spoken of by us two weeks ago, as leaving Boonville, Owyhee, for Sacramento via Humboldt and Washoe, returned to Boonville on Sunday last—22d—with the Sacramento Union of the 16th, only six days out from Sacramento. This is pretty good for a trial trip. When the route is properly stocked, and they get fairly under way, we may expect news from the East by this express, not over five days old, and California papers through to this place in six or seven days. The nearest place to tap the telegraph, is Yreka, Jacksonville or Eugene, and the time will come when five days will not be a short time in which to receive Eastern news, and that time is not far in the future.

A DIRT ROOF fell, by the breaking of a beam that supported it, at Happy Camp, South Boise, on the 18th inst., killing Jacob Uhle, Geo. Tyer, and another man known only to our informant, by the name of Mose. They were at dinner at the time of the accident, and had but a few minutes before been questioning the safety of their position, considering the fact that the rain had added much to the weight of the dirt on the roof, and the beam was not sufficiently stout. The only person who escaped with his life, was a man at the outside near the door, and he was caught in the wreck, and was unable to extricate himself so as to render any assistance to those on the inside, one of whom at least he thinks he could have saved, had he been free.

HOSPITAL MATTERS.—Last week we stated that indigent persons with the measles, had suffered for want of attention, not being proper cases to receive into the hospital. This we did on information and belief, recognizing the propriety of excluding contagious diseases from an institution general in its character as a public hospital. We are informed, however, by Mr. Goodrich, that he was not aware of such cases as those spoken of, that were not received into the hospital. On the contrary, he assures us that patients with the measles have been received and cured in the institution, under his control, in more instances than one. Whether it is safe and proper to receive such cases, notwithstanding a separate room is provided for them, is a question we leave with the Commissioners. As to the small-pox, it may or may not reach here, and if it does, we presume no one will ask to have such patients admitted into the general hospital.

THE miners in the upper end of Main street, near the Jenny Lind Theater, are busily engaged in washing out under the houses, affording an excellent opportunity for straightening and widening the streets.—Property holders will stand in their own light, if they fail to embrace the opportunity of making these improvements while they have a chance that will never offer again. The increase that would follow in the value of property in that part of town, if they should improve the streets properly, would pay the proprietors with usury for any expense they might incur in the matter. If it is a matter that comes within the purview of the official duties of the County Commissioners to widen and straighten the public ways, now is their time to strike.

THEATRICAL.—Mrs. Leighton and the Star Troupe, have closed their engagement at the Jenny Lind, and gone below. Their stay, whether profitable or otherwise to the management, has been a source of much amusement to the theater-going portion of Boise, and their departure is regretted by all who have any appreciation of fine acting. The Forrest opened night before last with the Robinson Family. Manly, Lane, Smith, Mr. & Mrs. Sheppard, King and others. The comedy of Charles the Second constituted the opening play; the house was crowded to suffocation, so that the press failed to obtain an eligible position from which to criticize the performance; in fact the pressure was too heavy for us, and we changed our base to the Jenny Lind, returning in time to hear Mrs. Getzler—Sue Robinson—sing "Kiss Me Quick and Go," an old but admirable acting song, which she sang and acted to perfection. The Forrest, on its opening night, must have turned away a hundred people for want of even standing room in the aisles. The reputation of the Robinson Family, as a theatrical troupe, is almost as old as the discovery of gold on this coast. Sue Robinson as a child, a miss, and a full-grown woman, is remembered all over the Pacific slope, as she has steadily advanced step by step to the top of the profession.

Wm. T. Aymer writes to a friend in this city, that he will leave San Francisco, soon with a theatrical company for the Boise mines.

THROAT CUTTER.—Early yesterday morning about daylight, some one entered the lodging-house of H. D. Van Wyck, on Main street, and with pistol in hand, went to the room of the proprietor and demanded a look at his lodgers. Van, being without arms, was forced to comply, and with candle in hand passed from room to room, not forgetting the apartment occupied by Mr. Wight and your humble servant. "Wake up!" was the first intimation we had of his presence; as he inspected the countenance of our room-mate, a glance satisfied him that he waked up the wrong man. His next move was to pass us in review, remarking as he did so, that he intended to cut the throat of the first that prevaricated. The mention of throat-cutting rather startled us, but by the time we were awake and aware of his presence and ability to put his threat into execution, and to reflect how uncomfortable it must feel to have one's throat cut, the specter had vanished. We hear that he had made a business during the night, of breaking windows and disturbing the peace of the sleeping community in various parts of the city. Had the like have occurred—say in Placerville, or any incorporated city, the rascal would have been bundled off to the station-house and made to suffer for his temerity.

FROM BURNT RIVER.—Mr. C. W. Durkee of the Express Ranch, Burnt River, writes us that the report mentioned a short time since, with regard to the murder of a family on that stream, by Indians, is without the slightest foundation in fact. The family reported killed, was that of Wm. Munda, who lives within two miles of the Express Ranch, and who with his family are living testimony of the falsity of the rumor. All reports that small-pox was along the road from this Basin to the Columbia, are likewise untrue, with the exception of two cases at Miller's Ranch, one of which died and the other got well. At the time of writing—May 20th—there was not a case on the whole road. The cases that occurred at Miller's Ranch, were removed from the ranch to a place prepared for them away from the traveled road, so that there was but little show for it to spread. There has been no contagious disease at the Express Ranch, and should anything of the kind occur, the proprietor has resolved to do as Mr. Miller did, warn the public in time, in order that they may avoid coming in contact with it.

SALT LAKE EXPRESS.—Hugh McFarland of the Salt Lake Express, came in on Thursday afternoon, bringing Eastern dates to the 18th. He informs us that it is Holliday & Co.'s intention to put on their line of mail-stages by the first of July without fail, some 16 or 18 coaches being now on the way from Atchison intended for this route and that to Beaver Head. By Thursday night or Friday morning, we may expect news from the East by the S. L. express up to the 25th or 26th. We return thanks to the proprietors for large bundles of exchanges.

RELIGIOUS services to-morrow at half-past ten as follows: By Rev. Father Poulin at St. Joseph's Church; Rev. C. S. Kingsley at his church; Rev. Father Mesplie at St. Dominick's church, Centerville; Rev. Mr. Hamilton at Placerville—Mr. H. will also preach at Centerville, at 7 1/2 P. M. Rev. Mr. Small, a Cumberland Presbyterian minister, will preach in Mr. Kingsley's church at half-past seven in the evening. Sunday school at 2.

FRANK DRAKE came in with his train from Umatilla, on Tuesday, loaded for some thirty different parties, with all manner of goods, baggage, &c.

INJUNCTION SUIT.—Shaffer & Nugent vs. Thos. Lynch, et. al.—This is an action brought in the District Court to restrain the Defendants from mining a small piece of ground in Idaho city, and for damages,—and involves questions in which a very large number of people are interested, which accounts for the space devoted to it this week. The Plaintiffs applied to his Honor, —J. S. Gray, Probate Judge, at Chambers,—for an injunction to prevent the Defendants from mining upon said lot and under Plaintiff's house, on the ground that they were the owners and in possession of the land, and that said mining would render it valueless, and the damage would be irreparable. Defendants deny the ownership of Plaintiffs, and aver that it is on mineral land of the U. S., and was abandoned by Plaintiffs on the first of June, 1864, by non-compliance with the mining laws; that on said day Defendants re-located the ground for mining purposes. They also deny the right of those from whom Plaintiffs claim ownership, to lay off said ground into lots and streets; also, that one of the Plaintiffs requested them to mine out the ground. The case was heard on the 20th of May, on the motion for injunction. The facts elicited were substantially as follows: In Nov., 1862, J. Marion Moore, H. E. Crow, and others, located five mining claims of 200 feet each, on Bankfoot Bar, then mineral land of the U. S., subject to location; that in March, 1863, the parties laid off a portion of their ground into lots and streets, making a plat of the same, (now a part of Idaho city) including the lot in question. The original locators sold to the Defendants a part of the ground, but no portion that had been laid off into lots and streets.—Mr. Moore purchasing from his partners the lot in question, in March, 1863; that Moore built a house thereon, which he sold with the ground to the Plaintiffs. The mining laws provided that no claim shall be forfeited from the first of Dec. to the first of June, and that 15 days thereafter, if not worked—they would be forfeited. Defendants aver that on the first of June, 1863, they put up notices extending their claims to the hill, so as to embrace the building ground claimed by Plaintiffs, and recorded the same on the 6th. The Judge said he had no power to determine the matter in litigation; that the Defendants were doing, or threatening to do acts that, should the Plaintiffs obtain judgment in the District Court, would render the judgment ineffectual; as the damage would be irreparable, it was his duty to keep the property in its present state until the rights of the parties were determined—requiring such bond of Plaintiffs as will protect the Defendants against any damage that may be awarded them by reason of such restraints. He considered that Plaintiffs had made out a prima facie case of ownership, and as to the validity of the re-location by Defendants, they were matters to be determined upon the trial upon the merits of the case. The only title to Government land, is that of possession—"first in time, first in right." If Plaintiffs were in possession at the time of the re-location on the first of June, and the re-location was valid, it was yet subject to the vested rights of Plaintiffs, if such rights are in harmony with the obvious policy of the Government—citing the case of Fitzgerald vs. Urton, 5th Cal. Reports, page 138; also, Gillen vs. Hutchinson, 10th Cal. P. 155. The point raised, that Moore & Co. sold ground for building purposes, reserving the right to mine, would not avail, unless that right had been assigned to Defendants. Plaintiffs were under no obligation to mine out the ground, if they chose to use it for other purposes. The request of one of the Plaintiffs, that Defendants mine out the ground, may have a bearing in the trial of the case, but does not affect this motion. The injunction is granted.

MESSENGERS.—My attention has been called to the following article, which appeared in the last issue of the Boise News: **FINED FOR CONTEMPT.**—Judge Gray fined Hon. R. B. Campbell \$100, on last Saturday, for mining in Montgomery street in disobedience of a restraining order issued by his Honor at the instance of Messrs. Shaffer & Nugent. The Judge remarking, as he pronounced the judgment, that it was a painful duty to be obliged to punish one of the law makers among the first to disobey the mandates of the court issued under the statutes of his own sanction. The article is in substance correct, but has a tendency to place me in a wrong light before my constituents; I therefore request the permission to trespass upon your columns to set myself right. On the night of the 13th inst., at about 11 o'clock, a bundle of papers were served upon me, among which was a copy of an injunction, which I immediately submitted to Corcoran & May, the attorneys for the company against which the suit was brought, who stand as fair in this county, for legal ability, as any other firm of lawyers, in my estimation. They advised me to pay no attention to the papers, but proceed and work as I had been doing, and in order to convince me of the correctness of their advice, referred me to the very law which I did sanction and vote for, viz: Sec. 113 of the Idaho Practice Act, which requires that the injunction (not a copy) be served on the defendants. Also, to the decision of the Supreme Court of the State of New York, in the case of Watson vs. Fuller, 9th Howard's Practice Reports, page 425, in which the following language is used, viz: "The original injunction order must be shown to the party; service of a copy only with a notice that it is a copy of the original is not sufficient." The course I then pursued was in conformity with the foregoing, and which, under similar circumstances, I would do again;—and yet believe that I was obeying the laws that I assisted in enacting. R. B. CAMPBELL. Idaho City, May 23d, 1864.

ANOTHER WAIL FROM YREKA.—The Yreka Journal of recent date, published a sequel to its last Fall's roorback with regard to the sufferings of Siskiyou countians in the Boise mines. Despondency runs through every line; gloom, doom, and kindred thoughts are the effects produced by its perusal. It is as a voice from the tomb of ages past, of one who has stopped by the way in the progressive race, and is calling to his more enterprising friends to "come down and bear me company; I am lonely in this deserted place." Hear him:

"Persons from the North by Monday night's stage report that everybody is leaving the Boise country that can get a way. The mines are a grand humbug, provisions are enormous, and a vast amount of sickness prevails. People are leaving like rats from a sinking ship, even when the prosperous season is at hand. We may look soon for a return of the immense tide of migration to that country."

Even the faint gleam of hope of a returning tide, has failed to lift him up. We admire subdued melancholy; there is something holy about it that inspires reverential awe, but an acute attack like that of our despondent brother, is distressing.

A boy by the name of Oatman, who lives in the family of Mr. Goodrich of the County Hospital, went onto a flume across a gulch that puts into Moore's creek, just above, on Tuesday last, when it fell, fracturing his ankle.

Married.
At Idaho city, Owyhee county, May 18th, by Hon. John Cummins, Probate Judge, Mr. J. P. Gabriel with Kate Marie Huebert, all of Idaho city. [The compliments of the happy pair were expressed in a note to the printers, with the assurance that were the distance and means of transportation not so difficult, we should have received something more substantial—"a kiss from the bride no doubt, which would have been relished hugely, as she is represented as being altogether lovely."

Take Notice.
PERSONS can be vaccinated, at Dr. Betts' office, with fresh matter.

GEORGE MERRITT, at the lower end of Main st., has established one of the finest saloons in town; it is under the immediate supervision of Mr. E. K. Shed, whose well known reputation in North California, and in San Francisco, as a connoisseur of fine wines and liquors, is a guarantee that the pure article is dealt out. Give the Judge a call.

SPECIAL NOTICE.
Is hereby given to all those persons indebted to the late house of I. D. Hantmon, to come forward and settle their indebtedness at the earliest possible moment. By so doing costs will be saved.
JOHN CHAMBLISS, Assignee.
Idaho city, April 24th, 1864. 35ml

NEW AND OLD.—The City Bakery, which has been recently refitted by P. F. Kane & Co., is one of the most pleasant resorts in the city, and is in a style which will please the miners. The old routine is still gone through with, and the Pastry, Wines, Liquors, and Cigars are unequalled. A trial trip will suit the most fastidious. The City Bakery, with Kane, Cassidy & Beard, will be run with a full house and plenty of business. Let all call who called before, and bring their friends with them.

New this Week.

To the Democracy of Boise county.
THE particular attention of the Democracy of Boise county, is called to the fact that Primary Meetings have been called to be held in each Precinct, on Saturday, June 4th, 1864, for the purpose of electing delegates to attend a Democratic County Convention at Centerville, June 13, 1864, called to elect delegates to a Territorial Convention; and to take into consideration such other and further business including (if deemed advisable), the nomination of candidates for county officers, and Territorial Legislature, as may be determined to be proper and necessary by said Convention. The various precincts will be entitled to the following representation in such Convention, to wit: Bonanza to 24; Pharyville to 23; Centerville to 8; Pioneer to 6; and Boise city to 6 delegates. The session of the Convention will involve the transaction of much and important business. A full attendance at the Primary Meetings, and the selection of good men and true as delegates from each and every precinct, who can and will attend, is earnestly solicited. Where there is a will to achieve success, the way to do it is through long travel or difficult to find, and lies straight ahead of the Democracy of Boise county.
Idaho City, May 25th, 1864. FRANK MILLER.
Care, Sec'y Boise Co. Dem. Com.
By order of the Committee. 35w2

CORRECT TIME OF IDAHO CITY.
WATCH REPAIRING AT SAN FRANCISCO Prices!!!—by
MAX H. STOPP.
PRACTICAL WATCH-MAKER, JEWELER and Engraver—1st of 218 Montgomery St., San Francisco,—at Mix's Drugstore, opposite W. F. & Co.'s Express, Main Street, Idaho City. Jewelry of the latest styles, manufactured of the best dust. All work strictly warranted. 35tf

Geo. Merritt's!
WE have established in connection, and adjoining our Well Known Store,
A FIRST CLASS SALOON,
and respectfully solicit a call from our friends and the public, assuring them that none but the best WINES, LIQUORS AND CIGARS, will be served at our bar. 35m3
GEO. C. MERRITT, Main street.

Dissolution Notice.
NOTICE is hereby given that we, the undersigned have dissolved partnership, and from this date the business of the Placerville Soda Water Works will be carried on in the name and under the control of James H. Hart.
35w4 JAMES H. HART. J. H. DANIELS.

HOUSE & LOT FOR SALE.
THE well-known "JOHNSON'S RESTAURANT," is offered for sale on Reasonable Terms. Inquire of
MRS. VAN HOUTEN.

Ranch Notice.
ALL persons having stock on the Horse-Shoe Bend Ranch, are hereby requested to remove them immediately, as we are going to close out the ranching business. Leave your receipts at the Phoenix Stable, with Mr. Mosley, and the stock will be delivered to that stable. 35w2
Placerville, May 23, '64. F. M. MURPHY & Co.

LUMBER OFFICE.

A. H. ROBBIE, CHAS. S. BUSH.
ROBBIE & BUSH.
LUMBER YARD at the Bear run railroad—off 800 on Main street, in front of the yard, 35tf

Administrator's Notice.
ESTATE of John Walker, deceased. In the Probate Court, Owyhee county, T. Ter. of Idaho, persons having claims against the estate of John Walker, deceased, late of Owyhee county, Idaho Territory, are hereby notified to present the same to the undersigned Administrator, with the proper vouchers within five months from the date of this notice, at my place of residence in Baby City, in said county; or otherwise barred, by order of the Probate Judge. N. W. GALT, Administrator. Dated Baby City, May 23d, 1864.

H. C. STUART.
Physician, Surgeon & Accoucher.
HAVING located at Pioneer city, respectfully tenders his professional services to the citizens of this place, and the public generally. All calls promptly attended to. Prescriptions dispensed at all hours. 35tf

ASSAY OFFICE.
Main Street, below the Jenny Lind Theater, at the end of the Railroad.
GOLD AND SILVER, and Ores of every description, assayed and returns made in four hours. We guarantee our assays, and will pay any difference which may arise between them and the United States Mint. [35tf] ROSSI & ROBBIE.

Rates for Shipping Treasure
Idaho city, Placerville, Centerville and Pioneer city.
WILL BE AS FOLLOWS:
To S. Fco., \$1000 and over, insured, 45 pr. ct. "under \$1000, 50 " "
To Portland, \$1000 and over, insured, 35 " " "under \$1000, 40 " "
To Dallas, \$1000 and over, 45 " " "under \$1000, 50 " "
To Umatilla, \$1000 and over, 35 " " "under \$1000, 40 " "
To Walla Walla, \$1000 and over, 35 " " "under \$1000, 40 " "
To La Grande, 25 " " "
To Auburn, 25 " " "
WELLS, FARGO & CO.,
Idaho City, May 14th, 1864. 35tf

BOSTON & CODY

Having renovated, enlarged and reopened the
EXCHANGE,
CORNER OF MAIN AND WALL STREETS.
Return thanks to the public for their past liberal patronage, and announce that they
ARE receiving direct from San Francisco, a large invoice of the choicest brands of all kinds of liquors and cigars, which will embrace, among other things, a fine lot of
OLD ENGLISH ALE AND PORTER
CONNOISSEURS are invited to give the Exchange a trial. 35tf

S. LEMON, WHOLESALE DRUGGIST.

Corner of Washington & Second streets, Dallas, Oregon.
DEALER in Drugs, Patent Medicines, Trusses, Acids, Oils, Brushes, Hops, Glue, Corks, Perfumery, Soaps and Toilet articles. Orders from Druggists, Physicians and Traders in the Mine filled at the lowest price. 35tf

Drugs! Drugs!! Drugs!!!
JUST received, a large and complete stock of Drugs, Medicines, Paints, Oils, Glass, Toilet articles, Stationery, etc., etc., at the
Miner's Drug Store, Idaho city.
(Wall Street, below Montgomery.)
Persons wishing anything in our line will do well to call and examine our stock. Prescriptions carefully prepared by an experienced Druggist.
J. B. ATKINS & CO.
May 17th, 1864. 35tf

MONTANA HOUSE.

(Main street, near the corner of Commercial.)
OPEN for Regular and Transient Boarders.
Every delicacy of the season prepared in the best style of the culinary art. No effort will be spared to make the Montana House a first-class Hotel. 35tf
MRS. KELLY & SISTER,
Proprietors of the First class Hotel, Cal.

A. Kalischowski,
MERCHANT TAILOR—SCOURING AND RENOVATING.
Main street, opposite Washoe Saloon. 35m3

CITY BAKERY.

P. F. Kane & Co.
THIS old and favorite brand has been recently fitted up with all the modern improvements and at great expense, and the proprietors assure the public that its former well-known popularity will not be diminished, but that every exertion will be used to sustain its high reputation, and give general satisfaction. All the good things as formerly, with politeness and attention on the part of the proprietors, will make the City Bakery the favorite resort of the Miners and Citizens of Idaho. 35tf

Julius Greenwald
HAS opened a store on Main street, Idaho city, two doors north of Wells, Fargo & Co's Express. He has the largest stock and choicest brands of CIGARS and TOBACCO in the country, as well as Yankee notions, Playing Cards, Matches, Pipes, Cutlery, &c., &c., all of which is for sale at wholesale or retail at reasonable rates. 34tf

THOMPSON & CO.'S STOCK MARKET.

[One door north of the International Hotel.]
AUCTION, COMMISSION AND STORAGE—Together with RANCHING, FEED and SALE YARD. Stock taken to ranch and returned daily.

PACKERS can store their goods at this house, either for sale, on commission or subject to their own disposal. Liberal advances on consignments. Strict attention paid to the sale of
Real Estate and Mining Claims.
Idaho City April 20th, 1864. 35tf
J. W. THOMPSON, Auctioneer.